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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Confirmation No. : 3846

Application No. : 09/852,209
Applicant : ULF ERIKSSON ET AL.
Filed : MAY 10, 2001
TC/A.U. : 1647
Examiner : Lorraine SPECTOR

Docket No. : 1064/44740CP
Customer No. : 23911

Title : PLATELET-DERIVED GROWTH FACTOR C, DNA
CODING THEREFOR AND USES THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131

Sir:

I, Karin Aase, a Citizen of Norway, residing in Stockholm, Sweden,
hereby declare, THAT

1. I am a co-inventor of the above-identified United States patent application and have read and understand said application.
2. The specification of said application discloses, among other things, results of experiments which I personally conducted.
3. I have been advised that Claims 46, 48, 59 and 60 of said application have been rejected as anticipated by Gao *et al.*, U.S. Pat. No. 6,528,050, which is asserted to have an effective priority date of December 7, 1998.

Application No. 09/352,209
Declaration by Karin Aase

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4. The attached Exhibit I is a copy of a page from a dated and witnessed laboratory notebook I prepared. This page shows that the inventions as claimed in Claims 46, 48, 59 and 60 were conceived and reduced to practice prior to the Gao *et al.* priority date of December 7, 1998.

5. Specifically, Exhibit I is a copy of a lab notebook page, marked as Page No. 000034, which I prepared prior to December 7, 1998. This page shows that prior to December 7, 1998, I along with the other inventors of the instant patent application, had conceived and reduced to practice at least amino acid residues of 230-345 of SEQ ID NO: 3 and SEQ ID NO: 7, the truncated and activated VEGF homology domain of a PDGF-C molecule (referred to as VEGF-F at the time).

6. Exhibit I shows that the I and the other inventors were in possession of the complete amino acid sequence of SEQ ID NO: 7 (referred to as mVEGF-F) of 345 amino acids, and had recognized that the full-length polypeptide was cleaved at position 230 to yield the activated fragment having amino acids 230-345.

7. Exhibit I also shows that I and the other inventors were in possession of the C-terminal 318 amino acid sequence of SEQ ID NO: 8 (referred to as hVEGF-F), which included the complete sequence of the truncated and activated VEGF homology domain of a PDGF-C molecule corresponding to amino acids 230-345 of SEQ ID NO: 3. This Exhibit further shows that the hVEGF-F and mVEGF-F had an amino acid sequence identity of about 86%.

8. I and other inventors of the instant application recognized that these novel proteins, VEGF-F subsequently renamed as PDGF-C, had the ability to promote fibroblast mitogenesis in a mammal.

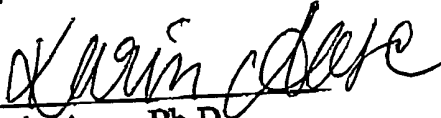
Application No. 09/352,209
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9. In summary, Exhibit I shows that I and the other inventors of the instant application had reduced to practice of the invention claimed in instant Claims 46, 48, 59 and 60 prior to December 7, 1998.

11. I further declare that all statements made herein of my own knowledge are true, and all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity or enforceability of the above-identified United States patent application or any patent issued thereon.

Signed this 4th day of February, 2005


Karin Aase, Ph.D.

#358295

from previous page

done 1 and 10, 11, 14 comes from the same plate, where I
found 4 plaques (5' mVEuF-F)

clone 3, 4 and 7 also come from the same plate. (empty)

done 9 and 13 also come from same plate (no 9 wrong)

clone 12 only 5' in VEF F

clohe 8 -11-

Sequence of mVLF solved!

[illegible][illegible]

~86% identity to hVGF-F

326 aa long

V_2 ss-clearage

| | | | | | |
|-----|------------|------------|------------|------------|------------|
| 1 | MLLLGLLLLT | SALAGQRTGT | RAESNLSSKL | QLSSDKEQNG | VQDPRHERVV |
| 51 | TISNGSIHS | PKFPHTYPRN | MVLVWRLVAV | DENVRIQLTF | DERFGLEDPE |
| 101 | DDICKYDFVE | VEEPSDGSVL | GRWCGSGTVP | GKQTSKGNHI | RIRFVSDEYF |
| 151 | RSEPGFCIHV | SIIMPQVTET | TSPSVLPPSS | LSLDLLNNAV | TAFSTLEELI |
| 201 | PYLEPDRWQV | DLDSLYKPTW | QLLGKAFLYG | KKSKVVNLNL | LKEEVKLYSC |
| 251 | TPRNFSVSIR | EELKRTDTIF | WPGCLLVKRC | GGNCACOLHN | CNECQCVPKR |
| 301 | VTKKYHEVLO | LRPKTGKGL | HKSLTDVALE | HHEECDVCVR | GNAGG |